

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

EDGAR ENCARNACION-LAFONTAINE,

Defendant.

13-cr-30-1 (JSR)

ORDER


JED S. RAKOFF, U.S.D.J.

Before the Court is defendant Edgar Encarnacion-Lafontaine's pro se motion for a sentence reduction, arguing that he entitled to such a reduction under 18 U.S.C. § 3553(f), the safety valve provision, as amended by the First Step Act. ECF No. 205. The safety valve provision, as amended by the First Step Act, "appl[ies] only to a conviction entered on or after the date of the enactment of [the First Step Act]." See The FIRST STEP Act of 2018, Pub. L. No. 115-391, § 402(b), 132 Stat. 5194, 5221 (2018). But judgment was entered against Mr. Encarnacion-Lafontaine in April of 2015. See ECF No. 187. Therefore, the amendments to the safety valve provision are inapplicable to Mr. Encarnacion-Lafontaine. Furthermore, the Court already determined at sentencing that Mr. Encarnacion-Lafontaine did not qualify for safety-valve eligibility. Nothing in Mr. Encarnacion-Lafontaine's motion provides a reason for the Court to reconsider that determination. Accordingly, Mr. Encarnacion-Lafontaine's motion is denied.

SO ORDERED.

Dated: New York, NY

November 20, 2023



JED S. RAKOFF, U.S.D.J.